

IPW



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(MBHB Case No. 02-742-N; 400/141)

In the Application of:

McSwiggen et al.

Serial No.: 10/758,155

Filing Date: January 12, 2004

For: RNA Interference of Mediated Inhibition
Of Vascular Growth Factor and Vascular
Endothelial Growth Factor Receptor Gene
Expression Using Short Interfering
Nucleic Acid (siNA)

Examiner: ASHEN, Jon Benjamin

Group Art Unit: 1635

Confirmation No. 5758

THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 35 C.F.R. Section 1.56 and 37 C.F.R. Section 1.97 - 1.98, the Applicant wishes to make the following references of record in the above-identified application. This application is a continuation-in-part of U.S. Serial No. 10/665,951 filed September 18, 2003, and is relied upon for an earlier filing date under 35 U.S.C. Section 120. This application is a continuation-in-part of US Serial No. 10/665,951 filed September 28, 2003 filed September 18, 2003 and is relied upon for an earlier filing date under 35 U.S.C. § 120. In accordance with Rule 37 CFR §1.98(d), all references have been previously cited and submitted to the Patent and Trademark Office with the prior application US Serial No. 10/665,951 and no references are enclosed herein. All references cited are also listed in the PTO/SB/08B form enclosed herewith.

11/02/2006 TBESHAH1 00000021 10758155

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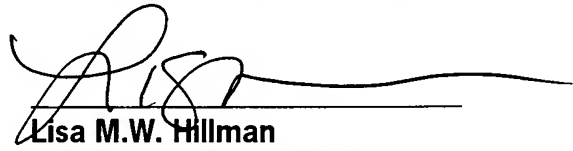
In the judgment of the undersigned, portions of the listed references may be material to the Examiner's consideration of the presently pending claims. This statement is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103.

Applicants enclose the fee of \$180.00 pursuant to 37 C.F.R. 1.17(p) for this filing. The Commissioner is hereby authorized to charge or credit Deposit Account Number 13-2490 for any under- or over-payment of fees associated with the papers transmitted herewith, or to credit any overpayment of same.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff LLP

Date: 10/30, 2006

By:


Lisa M.W. Hillman
Registration No. 43,673

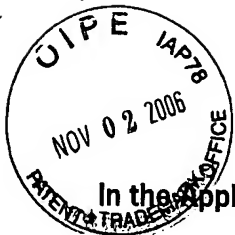
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Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

In regard to the above identified application:

1. We are transmitting herewith the attached papers for the above identified new patent application:

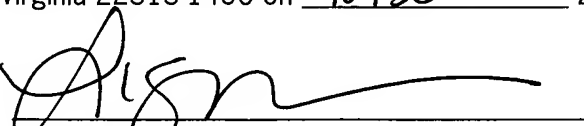
- ☒ Third Supplemental Information Disclosure Statement;
- ☒ Third Supplemental Information Disclosure Statement (IDS) PTO/SB/08B Form; and
- ☒ Return Receipt Postcard.

2. With respect to additional fees, enclosed is a check in the amount of \$180.00.

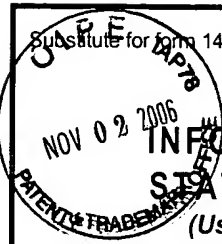
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.

4. CERTIFICATE OF MAILING UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1 hereinabove, are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450 on 10/30 2006.

By :


Lisa M.W. Hillman
Registration No. 43,673

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Substitute for form 1449/PTO  THIRD SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete if Known	
				Application No.	10/758,155
				Filing Date:	January 12, 2004
				First Named Inventor	McSwiggen et al.
				Art Unit	1635
				Examiner Name	ASHEN, Jon Benjamin
				Attorney Docket Number	02-742-N (400/141)
Sheet	1	of	1		

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A	US-5,587,471	12-1996	Cook et al.	
	B	US-5,916,763	06-1999	Williams et al.	
	C	US-6,710,174	03-23-2004	Bennett et al.	
	D	US-2004/0018176	01-2004	Tolentino et al.	
	E	US-2004/0209832	10-2004	McSwiggen et al.	

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials*	Cite No. ¹	Include name of author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published			T ²
	*	Caplen, Nathan, "RNAi as a gene therapy approach," <i>Expert Opin. Biol. Ther.</i> 3(4):575-586 (2003)			
	*	Hammond, et al., "Post-transcriptional Gene Silencing by Double-Stranded RNA," <i>Nature Reviews</i> , 2:110-119 (2001)			
	*	Mahato et al., "Modulation of gene expression by antisense and antigene oligodeoxynucleotides and small interfering RNA," <i>Expert Opin. Drug Deliv.</i> , 2(1):3-28 (2005)			
	*	Scherer et al., "Approaches for the sequence-specific knockdown of mRNA," <i>Nature Biotechnology</i> , 21:12, 1457-1465 (2003)			
	*	Schmidt et al., "Base and sugar requirements for RNA cleavage of essential nucleoside residues in internal loop B of the hairpin ribozyme: implications for secondary structure," <i>Nucleic Acids Research</i> 24:573-581 (1996)			
	*	Vickers et al., "Efficient Reduction of Target RNAs by Small Interfering RNA and RNase H-dependent Antisense Agents," <i>The Journal of Biological Chemistry</i> , 278:9, 7108-7118 (2003)			
	*	Zhang et al., "Targeted Gene Silencing by Small Interfering RNA-based Knock-Down Technology," <i>Current Pharmaceutical Biotechnology</i> , 5, 1-7 (2004)			
Examiner Signature		Date Considered			

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of U.S. Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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